

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

DEAN M. GERO,
Plaintiff

v.

VERMONT DEPARTMENT OF
CORRECTIONS and ELLEN McWARD,
Defendants

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File No. 1:07-cv-145

ORDER

The Magistrate Judge's Report and Recommendation was filed May 16, 2008 (Paper 10). After de novo review and absent objection, the Report and Recommendation is AFFIRMED, APPROVED and ADOPTED. See 28 U.S.C. § 636(b)(1). Defendants' motion to dismiss (Paper 5) is GRANTED and this case is DISMISSED. Plaintiff's motion for appointment of counsel (Paper 9) is DENIED as moot.

It is further certified that any appeal taken in forma pauperis from this Order would not be taken in good faith because such an appeal would be frivolous. See 28 U.S.C. § 1915(a)(3).

SO ORDERED.

Dated at Brattleboro, in the District of Vermont, this 16th day of June, 2008.

/s/ J. Garvan Murtha

J. Garvan Murtha
United States District Judge